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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 3087/LA4A/79. *Dated, Trivandrum, 26th March 1979.*

The Kerala Industrial Establishments (National and Festival Holidays) Amendment Bill, 1979 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

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33/1181/MC.

Fifth Kerala Legislative Assembly

Bill No. 113

THE KERALA INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) AMENDMENT BILL, 1979

A

BILL

further to amend the Kerala Industrial Establishments (National and Festival Holidays) Act, 1958.

Preamble.—WHEREAS it is expedient further to amend the Kerala Industrial Establishments (National and Festival Holidays) Act, 1958, for the purpose hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—This Act may be called the Kerala Industrial Establishments, (National and Festival Holidays) Amendment Act, 1979.

2. *Amendment of section* 5.—In sub-section (3) of section 5 of the Kerala Industrial Establishments (National and Festival Holidays) Act, 1958 (47 of 1958), in clause (i), for the words "the month" the words "the thirty, working days" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

According to clause (i) of sub-section (3) of section 5 of the Kerala Industrial Establishments (National and Festival Holidays) Act, 1958 (47 of 1958), an employee who is paid wages by the day or at piece rates shall be paid the wages for a national or festival holiday at the rate equivalent to the daily average of the wages for the days on which he actually worked during the month immediately preceding such holiday. The term 'month' is not defined in the Act and it is being interpreted in different ways by the employers as well as the employees. The scheme of the Act is to ensure that on holidays allowed by the Act an employee should get the wages which he would have otherwise got but for the holiday. The term 'month' employed in the said sub-section is intended to mean 'thirty days'. Some employers have however, refused to pay wages for the national or festival holidays under the said sub-section on the contention that the term 'month' means the calendar month preceding the month in which the holiday falls and that for an employee who is paid wages by the day or at piece rates to get wages for the national or festival holiday he should have worked in the establishment during

the preceding calendar month. To avoid the possibility of different interpretation being given to clause (i) of sub-section (3) of section 5 of the said Act, it is considered necessary to amend that sub-section so as to make the intention clear by substituting the words "thirty days" for the word "month".

The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

M. K. Raghavan